

2007 DRAFTING REQUEST

Bill

Received: **11/16/2006**

Received By: **bbalinsk**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies: **RPN**

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Corporate agent for tobacco settlement agreement enforcement

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	bbalinsk 12/18/2006	jdyer 12/28/2006	nmatzke 12/28/2006	_____	cduerst 12/28/2006		
	bbalinsk 11/20/2007	jdyer 11/21/2007		_____			
/1			rschluet 11/26/2007	_____	sbasford 11/26/2007	cduerst 11/29/2007	

FE Sent For:

→ Not
Needed

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1/11/07
Zlyk
12/28/06
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/P1	bbalinsk	/P1 12/28 jld	nwn 12/28	nwn/cd 12/28			

FE Sent For:

<END>

3. Change language in 2003 Wisconsin Act 73 (related to tobacco settlement agreement enforcement). In subsection 3c, which refers to foreign corporations who failed to appoint an agent enacting service of process - language should be changed from "the Secretary of State's Office" to "the Department of Financial Institutions". In Wisconsin Statute 180.1510, the Department of Financial Institutions is identified as the agent in actions related to corporations.

Thank you for your consideration of these proposals. If you have questions or need further information, please let me know.

Sincerely,

Susan Churchill

Susan Churchill
Deputy Secretary of State
266-3470

895.17 (3) (c)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0795/P1

BAB:.....

1
Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 12/18/06

Gen

(Suggested as remedial legislation
by the Secretary of State)
Office of the

1

AN ACT ...; relating to: service on foreign corporations

Analysis by the Legislative Reference Bureau

In 1998 Wisconsin entered into a comprehensive settlement agreement (with agreement) with the leading U.S. tobacco manufacturers regulating their sales and marketing of tobacco products in this state. Any tobacco manufacturers selling tobacco products in the state who do not participate in that agreement are required to appoint an agent in this state for accepting service of process. Under current law, if a tobacco manufacturer selling tobacco products in the state that is a nonparticipant in the agreement fails to maintain an agent for service of process in this state, the Secretary of State shall be deemed the nonparticipating manufacturer's agent for service of process for lawsuits filed against the nonparticipating manufacturer in this state. This bill changes Secretary of State to Department of Financial Institutions as the agent for nonparticipating tobacco manufacturers, in order to reflect that under ~~under~~ current law all corporations who have no official agent for service of process in this state are deemed to have appointed the Department of Financial Institutions as their agent.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

Institutions
in the
statutes

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

* LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Secretary of State and introduced by the Law Revision

Office of the

Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 995.12 (3) (c) ^X of the statutes is amended to read:

2 995.12 (3) (c) *Service on ~~secretary of state~~ department of financial institutions.* ✓

3 Any nonparticipating manufacturer whose cigarettes are sold in this state, who has
4 not appointed and engaged an agent as required in this subsection, shall be
5 considered to have appointed the ~~secretary of state~~ ✓ department of financial
6 institutions as that agent and may be proceeded against in courts of this state by
7 service of process upon the ~~secretary of state~~ ✓ department of financial institutions
8 provided, however, that the appointment of the ~~secretary of state~~ ✓ department of
9 financial institutions as that agent does not satisfy the condition precedent for
10 having the brand families of the nonparticipating manufacturer included or retained
11 in the directory under sub. (2) (b).

12 **History:** 2003 a. 73; 2005 a. 155 s. 32; Stats. 2005 s. 995.12.

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0795/P1
BAB:jld:nwn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 995.12 (3) (c) of the statutes; **relating to:** service on foreign
2 corporations (suggested as remedial legislation by the Office of the Secretary
3 of State).

Analysis by the Legislative Reference Bureau

In 1998, Wisconsin entered into a comprehensive settlement agreement (agreement) with the leading U.S. tobacco manufacturers regulating their sales and marketing of tobacco products in this state. Any tobacco manufacturers selling tobacco products in the state who do not participate in that agreement are required to appoint an agent in this state for accepting service of process. Under current law, if a tobacco manufacturer selling tobacco products in the state that is a nonparticipant in the agreement fails to maintain an agent for service of process in this state, the secretary of state shall be deemed the nonparticipating manufacturer's agent for service of process for lawsuits filed against the nonparticipating manufacturer in this state. This bill changes "secretary of state" to "department of financial institutions" in the statutes as the agent for nonparticipating tobacco manufacturers, in order to reflect that under current law all corporations who have no official agent for service of process in this state are deemed to have appointed the Department of Financial Institutions as their agent.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Office of the Secretary of State and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 995.12 (3) (c) of the statutes is amended to read:

995.12 (3) (c) ~~Service on secretary of state~~ department of financial institutions.

Any nonparticipating manufacturer whose cigarettes are sold in this state, who has not appointed and engaged an agent as required in this subsection, shall be considered to have appointed the ~~secretary of state~~ department of financial institutions as that agent and may be proceeded against in courts of this state by service of process upon the ~~secretary of state~~ department of financial institutions provided, however, that the appointment of the ~~secretary of state~~ department of financial institutions as that agent does not satisfy the condition precedent for having the brand families of the nonparticipating manufacturer included or retained in the directory under sub. (2) (b).

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0795/RX
BAB:jld:nwn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 11/20/07

SAU
X-REF

Regen

- 1 AN ACT *to amend* 995.12 (3) (c) of the statutes; **relating to:** service on foreign
- 2 corporations (suggested as remedial legislation by the Office of the Secretary
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Analysis by the Legislative Reference Bureau

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SECTION 1. 995.12 (3) (c) ^x of the statutes is amended to read:

995.12 (3) (c) *Service on secretary of state department of financial institutions.*

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(END)

Insert ~~amendment~~
2-11

LRB 079111

Insert Page 2, after line 4
2-11

4 NOTE: This bill amends the statute that provides that a cigarette manufacturer who is not participating in the 1998 tobacco settlement, and who has not appointed an agent for service of process for legal proceedings, is considered to have appointed the secretary of state as the agent. This bill changes the agent from the secretary of state to the department of financial institutions. ✓

note:
std

(end ins 2-11)

Duerst, Christina

From: Dyke, Don
Sent: Thursday, November 29, 2007 10:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0795/1 Topic: Corporate agent for tobacco settlement agreement enforcement

Please Jacket LRB 07-0795/1 for the ASSEMBLY.
Thanks.